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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,569	09/19/2003	Brian Sutton	080103300-4	9660
7590	12/28/2004		EXAMINER TSIDULKO, MARK	
James E. Parris P.O. Box 233 Hailey, ID 83333			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/667,569	Applicant(s) SUTTON, BRIAN	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 18-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because of using claim language: “**comprising**” (line 1) should be changed to “**having**”.

Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ramirez (US 6,158,870).

Ramirez discloses (Fig. 11) a cylindrically shaped container [20'] having a planar bottom surface with bottom edges having a top for filling and dispensing liquid and a housing [26'] of cylindrical shape having a first end for attachment to the container and a second end for holding a plurality (music and lights) accessories (Abstract).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Ector et al. (US 6,187,192).

Ramirez discloses the instant claimed invention except for that the housing is attached using an adhesive bonding agent.

Ector et al. disclose a base having an accessory (timer device) and attached to the container with an adhesive agent (col.3, lines 35-37) to eliminate loosening of the accessories.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the adhesive agent, as taught by Ector et al., for attachment of the housing to the container in the device of Ramirez in order to use these parts together, as a whole device, and eliminate loosening of the accessories.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Aidlin et al. (US 6,401,993).

Ramirez discloses the instant claimed invention except for that the housing is a plastic welded to the container.

Aidlin et al. disclose (Fig.1) a plastic bottle [10] having a housing (base cup [24]) welded to the bottle (col.2, lines 54-59) in order to use these two parts together, as a whole device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the welding for engaging the housing to the plastic container, as taught by Aidlin et al. for the device of Ramirez, in order to use the parts together, as a whole device.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Andrino (US 4,886,567).

Ramirez discloses the instant claimed invention except for that the housing is attached to the container with elastic straps.

Andrino discloses (Fig.2) a container [44] and a housing [1] which is attached to the container with elastic strips [28A] in order to obtain detachable engagement. Using this type of attachment the container can be detached from the housing for exchanging or washing.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the elastic strips, as taught by Andrino, for attachment the housing to the container in the device of Ramirez in order to obtain detachable engagement for exchanging the parts.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Burrridge (US 4,206,842).

Ramirez discloses the instant claimed invention except for that the housing front surface is suitable for holding a navigation indicator accessory.

Burrridge discloses (Fig.2) a container [10] and a housing [12] having a compass [34] mounted for orienting the device relative to the magnetic field of the earth (col.1, lines 65-68).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the compass mounted to the housing, as taught by Burrridge, for the device of Ramirez, for the purpose of orienting the device relative to the magnetic field of the earth.

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Claims 9 –11, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Chen (US 6,499,854).

Referring to Claims 9-11 and 16 Ramirez discloses the instant claimed invention except for the mounting threads.

Chen discloses (Fig.4) a container [40] and a canister type housing [20] of cylindrical shape having a cap [10] with fixedly mounted accessory and threads for attachment to the container.

Housing [20] has a wall created a cavity.

Referring to Claim 17 Ramirez discloses the treaded holes for attaching a cap to the housing, but does not disclose that the cap has threads for attachment to the housing.

Threaded engagement is well known in the art. Since Ramirez discloses this type of engagement between the housing [20] and the container [40] it understood that same type of engagement may be used between the cap and the housing in order simplify this process.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the housing having a threads, as taught by Chen, for the device of Ramirez, for attachment the housing with an accessory to the container.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez and Chen as applied to claim 11 above, and further in view of Burrige (US 4,206,842).

Ramirez et al. disclose the instant claimed invention except for the compass.

Since Ramirez discloses a housing having the utilities items, such as music and lighting, it is understood that any desired utilities items may be mounted on the housing.

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Burridge discloses (Fig.2) a container [10] and a housing [12] having a compass [34] mounted for orienting the device relative to the magnetic field of the earth (col.1, lines 65-68).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the compass mounted to the housing, as taught by Burridge, for the device of Ramirez et al., for the purpose of orienting the device relative to the magnetic field of the earth.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez and Chen as applied to claim 11 above, and further in view of Wagnon (US 4,071,175).

Ramirez et al. disclose the instant claimed invention except for reflector.

Wagnon discloses (Fig.5) a bicycle beverage container holder including a housing [12] having a safety road reflector [E] used for an indication of the bicycle on the road.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the safety reflector, as taught by Wagnon, for the device of Ramirez et al. for the purpose of safety on the road if to use the container being attached to the transportation means.

#### ***Allowable Subject Matter***

Claims 3, 8, 18-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 3 the prior art of record fails to show a hosing having an accessories and fixed to the hydration container with hook and pile interlock.

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Referring to Claim 8 the prior art of record fails to show a hydration container having a global position system.

Claim 19 is objected as claim depended on claim 18.

Referring to Claim 18 the prior art of record fails to show a hydration container having a molded-canister integrated with the container to create a canister cavity.

Referring to Claim 20 the prior art of record fails to show a canister cap having mounting threads on a first end for mounting to the canister housing and on a second end for fixedly holding a utility component.

Claim 21 is objected as claim depended on claim 20.

Referring to Claim 22 the prior art of record fails to show the hydration container accessory which is a compartment storage container having a compartment cavity and a pivoted door attached to the compartment.


Claims 23, 24 are objected as claim depended on claim 22.

Referring to Claim 25 the prior art of record fails to show the hydration container accessory system having a molded storage compartment molded to the hydration container.

Claim 26 is objected as claim depended on claim 25.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

December 15, 2004